

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DARREL WAYNE VANDERGRIFF,

Plaintiff,

v.

TONY GAMBONE,

Defendant.

Case No. C06-5381RBL

ORDER DENYING MOTIONS TO
ADMIT EVIDENCE

This action, brought under 42 U.S.C. 2000, has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). The plaintiff has been granted leave to proceed *in forma pauperis*. Before the court are three motions filed by plaintiff asking the court to “admit relevant evidence.” (Dkt # 67, 68, and 73). The first motion has 12 pages of exhibits attached. The second motion has 45 pages of exhibits attached. The final motion has 245 pages of medical records attached. There is no other motion or filing which relates to these documents.

Plaintiff argues the documents are relevant to his case. Defendants oppose the motions and note there is no rule under the Federal Rules of Civil Procedure that allows for filings of this nature (Dkt # 69 and 74). Defendant opposes the court entering the documents at this point in the proceedings.

The Defendant is correct. When discovery or documents are submitted to the court, they must be attached to a motion or in support of a motion. See Generally, Fed. R. Civ. P. 56 (c); See

1 also, Local Rule 7 (b).

2 When a motion is before the court the court can properly consider if a certain exhibit is
3 admissible. The court is not in a position to determine what, if any, of the documents submitted by
4 plaintiff may ultimate be admissible. Plaintiff's motions are **DENIED**.

5 The documents will remain in the file. The court does not consider them as evidence at this
6 point in time. Either party may cite to these documents at the proper time and the other side will then
7 have an opportunity to object to the court's consideration of the document.

8 The clerk's office is directed to send plaintiff and counsel for defendants a copy of this Order
9 and to remove docket numbers 67, 68, and 73 from the court's calendar.

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11 DATED this 23 day of July, 2007.

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13 /S/ J. Kelley Arnold
14 J. Kelley Arnold
15 United States Magistrate Judge
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